

Remarks

Reconsideration is requested in view of the preceding amendments and the following remarks. By this Amendment, claims 1-3, 9, 12-13, and 35-37 are cancelled without prejudice, and claims 4-7, 10, 14, 21, 25, 27, and 32 are amended.

Rejections under 35 U.S.C. § 102 in View of Simon

Claims 1-3 and 6 stand rejected as allegedly anticipated by Simon et al., U.S. Patent App. Pub. 2003/0087652 ("Simon"). The rejection of claims 1-3 and 6 is moot in view of the cancellation of claims 1-3 without prejudice and the amendment of claim 6 to depend from claim 4.

Rejections under 35 U.S.C. § 103 in View of Simon and Martineau

Claims 4-5, 7-9, 12-13, and 27-37 stand rejected as allegedly obvious from a combination of Simon and Martineau, U.S. Patent 5,915,226 ("Martineau"). This rejection is traversed. The rejection of claims 9, 12-13, and 35-37 is moot in view of the cancellation of these claims without prejudice.

Amended claim 4 recites a communication device that comprises a register configured to store a user identifier, a transmitter configured to transmit the user identifier, and a subscriber identity module (SIM), wherein the user identifier is associated with a serial number assigned to the SIM. Simon does not teach or suggest a SIM or a transmitter configured to transmit a user identifier wherein the user identifier is associated with a SIM serial number. Martineau fails to cure the deficiencies of Simon. According to the Office Action, Martineau teaches such a SIM at col. 3, line 63 through col. 4, line 38. However, Martineau does not teach or suggest a user identifier associated with a SIM serial number or transmitting a user identifier associated with a

SIM serial number as claimed. The Office Action cites Martineau at col. 3, line 63 to col. 4, line 38:

[T]here is provided a method for enabling service from a wireless telephone having a SIM and a prepaid card in the telephone comprising the steps of calculating in the card a certificate as a function of (i) number of prepaid units remaining in the card, (ii) serial number in the card, and (iii) a key number in the card; and transferring from the card to the SIM (i) said number of prepaid units remaining in the card, and (ii) the card's serial number; then calculating in the SIM a number which should be the same as the card key number based on said transferred number of prepaid units remaining in the card and said card serial number; and calculating in the SIM a certificate as a function of said transferred number of prepaid units remaining in the card and said calculated number which should be the same as said key number in the card; then comparing said calculated certificates from said card and from said SIM; and if coincident in said comparison, then enabling said telephone in said network.

Thus, Martineau teaches a SIM that receives a serial number of a prepaid card in order to determine if a wireless telephone should be permitted to use a network. In this way, a user can access the network without a network subscription. Col. 3, lines 23-36. Martineau does not teach or suggest a user identifier based on a SIM serial number or a transmitter configured to transmit such a user identifier. Martineau's system is configured so that user identification required to obtain a network subscription is unnecessary, and Martineau does not teach or suggest a transmitter configured to transmit a user identifier based on a SIM serial number to a network. For example, as shown in Martineau's Fig. 1, the prepaid card (10) and the SIM (8) are situated at a cellular telephone (2), and prepaid network access can be provided based on values of a certificate computed by the prepaid card and the SIM. The prepaid card serial number is not transmitted to the network. Accordingly, claim 4 and dependent claims 5-6 and 27-34 are properly allowable over any combination of Simon and Martineau.

Amended claim 7 recites a cell phone that comprises a subscriber identity module (SIM) that includes a SIM serial number and a transmitter configured to transmit the SIM serial

number. No combination of Simon and Martineau teaches or suggests such a cell phone. Simon is silent concerning a SIM, and Martineau teaches using a prepaid card serial number that is used at the cell phone to enable the cell phone to access a network. No combination of Simon and Martineau teaches or suggests a transmitter configured to transmit a SIM serial number, and claim 7 and dependent claim 8 are properly allowable.

Rejections under 35 U.S.C. § 103 in View of Simon and Brebner

Claims 10-11 and 14-18 stand rejected as allegedly obvious in view of a combination of Simon and Brebner, U.S. Patent App. Pub. 2001/0016906. This rejection is traversed. Amended claim 10 recites a content provider configured to communicate with one or more mobile stations. The content provider comprises a content personalization interface configured to receive an anonymous user identifier from at least one of the mobile stations, wherein the anonymous user identifier is associated with a SIM serial number. The Office Action cites Brebner at paragraphs 0010-0015 as disclosing a content personalization interface that receives an anonymous user identifier from a mobile terminal. Applicant respectfully disagrees. The cited portion of Brebner does not mention an anonymous user identifier. Instead, Brebner teaches storing private data locally at a user's personal computer. An agent module polls service providers, and a personalized HTML page is prepared based on the polling and the user profile data that is locally stored on a user's personal computer. In such a system, service providers do not need a central data base for user data, and private data remains on the user's personal computer and the user is not identified to a service provider. Instead, the agent module polls the service provider to download data and rules. In contrast, claim 10 recites a content provider that receives an anonymous user identifier from at least one mobile station. Because no combination of Simon

and Brebner teaches a content provider that includes a content personalization interface that receives an anonymous user identifier associated with a SIM serial number, claim 10 and dependent claim 11 are properly allowable.

Amended claim 14 recites a content provider comprising a personalization interface configured to receive anonymous personalization data that includes an anonymous user identifier associated with a SIM serial number, and a processor configured to provide content to a user based on the anonymous personalization data. As noted above, neither Simon nor Brebner teaches or suggests a personalization interface configured to receive anonymous personalization data that includes an anonymous user identifier associated with a SIM serial number, and claim 14 and dependent claims 15-20 are properly allowable over Simon and Brebner.

Rejections under 35 U.S.C. § 103 in View of Simon, Martineau, and Brebner

Claims 19-23 and 25 stand rejected as allegedly obvious in view of a combination of Simon, Martineau, and Brebner. This rejection is traversed. Claims 19-20 are allowable as dependent from allowable claim 14.

Amended claim 21 recites a method of providing personalized content in a wireless communication network. The method comprises selecting an anonymous user identifier based on a SIM serial number and selecting content based on the user identifier. As noted above, no cited reference teaches or suggests an anonymous user identifier based on a SIM serial number. Martineau at col. 3, line 63 to col. 4, line 38 is cited as teaching a user identifier associated with a serial number assigned to a SIM. Applicant respectfully disagrees. Martineau teaches a prepaid card having a serial number, not a user identifier associated with a SIM serial number. In addition, Martineau does not teach or suggest selecting content based on such a user identifier.

According to Martineau, the serial number of the prepaid card is used in a computation performed at a wireless telephone to determine if service should be enabled for the wireless telephone. The prepaid card serial number is not communicated to the network or to a content provider, and thus cannot be used to select content. For at least this reason, claim 21 and dependent claims 22-24 are properly allowable.

Claim 25 recites a method of obtaining anonymous personalized content, comprising selecting an anonymous user identifier based on a serial number assigned to a subscriber identification module and identifying content for delivery based on the anonymous user identifier. As noted above, no combination of cited references teaches or suggests an anonymous user identifier based on a SIM serial number. For example, Martineau merely teaches a prepaid card serial number that is used at a wireless telephone to enable the wireless telephone to on a network. Accordingly, claim 25 is properly allowable.

Rejections under 35 U.S.C. § 103 in View of Simon, Martineau, Brebner, and Babu

Claim 24 stands rejected as allegedly obvious from a combination of Simon, Martineau, Brebner, and Babu et al., U.S. Patent 6,122,639 (“Babu”). This rejection is traversed. Claim 24 depends from allowable claim 21 and is allowable for at least this reason.

Conclusion

In view of the preceding amendments and remarks, all pending claims are in condition for allowance and action to such end is requested. If any questions remain, the Examiner is respectfully requested to telephone the undersigned.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By



Michael D. Jones

Registration No. 41,879

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 595-5300
Facsimile: (503) 228-9446

cc: Client